



09-13-04

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Attorney's Docket No.: 16773-002001 / B4852AF-AD/DBO/SZ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alain Friboulet et al. Art Unit : 1654
Serial No. : 10/716,030 Examiner : Jennifer I. Harle
Filed : November 17, 2003
Title : COMPOUNDS CAPABLE OF MODULATING THE ACTIVITY AND
STIMULATING THE PRODUCTION OF A CATALYTIC ANTIBODY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT WITH AMENDMENT

Responsive to the action mailed August 12, 2004, Applicants respectfully traverse the restriction requirement, for the following reasons.

MPEP § 803 deals with the question of when a restriction is proper. Two requirements must be met, as follows:

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - § 806.05(i)).

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (*emphasis added*)

Further, the MPEP indicates that "a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02." Applicants respectfully submit that such a showing has not been made.

The Examiner has divided the claims into 18 separate groups. Groups I to VI and VIII to X are all classified in the same class (514) and subclass (2+), therefore, a search would not be

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seriously burdensome. Therefore, Applicants request that Examiner kindly examine Groups I to VI and VIII to X together in the present application.

If the Examiner does not wish to join the groups as requested, Applicants elect, with traverse, the invention of Group I, drawn to a substrate of an enzyme or an analogue thereof, inhibitor or activator, which is capable of modulating the activity of a catalytic antibody characterized in that it has a specific affinity for the catalytic site of the antibody and is non immunogenic.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 16773-002001.

Respectfully submitted,

Date: _____

9/10/04

Janice L. Kugler
Reg. No. 50,429

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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